

EXHIBIT Q

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LEXOS MEDIA IP, LLC,	§	
	§	
v.	§	Civil Action No. 2:22-CV-00169-JRG
	§	(Lead Case)
AMAZON.COM, INC.	§	

LEXOS MEDIA IP, LLC,	§	
	§	
v.	§	Civil Action No. 2:22-CV-00175-JRG
	§	(Member Case)
TARGET CORPORATION	§	

LEXOS MEDIA IP, LLC,	§	
	§	
v.	§	Civil Action No. 2:22-CV-00273-JRG
	§	(Member Case)
OFFICE DEPOT, LLC.	§	

**PLAINTIFF’S P.R. 4-2 DISCLOSURE OF
PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE**

Pursuant to Patent Rule 4-2 and the Court’s Docket Control Order (Dkt. 48), Plaintiff Lexos Media, IP LLC (“Plaintiff” or “Lexos Media IP”) hereby discloses its Preliminary Claim Constructions and Extrinsic Evidence for the proposed terms and claim elements for U.S. Patent Nos. 5,995,102 (the “’102 Patent”), 6,118,449 (the “’449 Patent”), and 7,975,241 (the “’241 Patent”).

Claim Term/ Phrase for Construction	Claim(s) in which Claim Term/Phrase Appears	Proposed Claim Construction
<p>“corresponding to” as used in the phrase “cursor image data corresponding to a specific image”</p> <p>(term identified by Lexos Media)</p>	<p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, 53.</p>	<p>“corresponding to” as used in the phrase “cursor image data corresponding to a specific image” means “associated with.”</p> <p><i>KeyMe, LLC v. Hillman Grp., Inc.</i>, No. CV 19-1539-LPS, 2021 WL 243252, at *7 (D. Del. Jan. 25, 2021) (“At the hearing, Hillman also agreed that “corresponds to” is synonymous with “is associated with”)</p> <p>`102 Patent, 3:4-14; `102 Patent, 17:62 to 18:3.</p>
<p>“corresponding to” as used in the phrase “said specific image includes/including content corresponding to at least a portion of said information that is to be displayed on said display of said user’s terminal”</p> <p>See also “specific image” defined separately herein.</p> <p>(term identified by both parties)</p>	<p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, 53</p>	<p>The meaning of “corresponding to” as used in the phrase “said specific image includes/including content corresponding to at least a portion of said information that is to be displayed on said display of said user’s terminal” is addressed in the claim construction for the term “specific image,” defined separately herein.</p> <p><i>Lexos Media IP, LLC v. APMEX, Inc.</i>, No. 216CV00747JRGRSP, 2017 WL 1021366, at *5–6 (E.D. Tex. Mar. 16, 2017).</p> <p>`102 Patent, 17:5-15; `102 Patent, 17:32-40.</p>

Claim Term/ Phrase for Construction	Claim(s) in which Claim Term/Phrase Appears	Proposed Claim Construction
“cursor display code” (term identified by Lexos Media)	`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53.	“cursor display code” means “computer code for modifying the cursor image.” `102 Patent, Abstract; `102 Patent, Figure 5; `102 Patent, 8:52-57.
“cursor display instruction” (term identified by Lexos Media)	`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53; `241 Patent, Claim 35.	A “cursor display instruction” means “an instruction operable to modify, in conjunction with other information, a cursor image.” `102 Patent, Abstract; `102 Patent, Fig. 4; `102 Patent, 8:52-62; `102 Patent, 10:23-41

<p>“cursor image”</p> <p>(term identified by both parties)</p>	<p>(see specific claims cited in the column to the right)</p>	<p>The term “cursor image,” standing alone, is not used in asserted Claim 72 of the ‘102 Patent.</p> <p>The meaning of the term “initial cursor image” (and “said “initial cursor image”), as used in Claim 72 of the ‘102 Patent and Claim 53 of the ‘449 Patent is defined separately herein.</p> <p>The meaning of the term “cursor image” as used in the phrase “modifying a cursor image” used in Claims 1, 38 of the ‘449 Patent and Claim 35 of the ‘241 Patent means the “initial cursor image” as defined separately herein.</p> <p><i>See also</i> ‘102 Patent, Abstract</p> <p>The meaning of the term “said cursor image” as used in the phrase “to modify said cursor image” in Claim 72 of the ‘102 Patent, and Claim 1, 38, and 53 of the ‘449 Patent means the “initial cursor image” as defined separately herein.</p> <p>The meaning of the term “said cursor image” as used in the phrase “said cursor image in the shape and appearance of said specific image” means the “specific image” as defined separately herein.</p> <p>‘102 Patent, Abstract; ‘102 Patent, 7:5-15.</p> <p>Asserted Claims 1 and 38 (including dependent on Claim</p>
--	---	---

		<p>27) of the '449 Patent use the term “cursor image” in the phrase “modifying a cursor image to a specific image,” and in the phrase “to modify said cursor image.” In this context, the term “cursor image” and “said cursor image” mean “initial cursor image” as defined separately herein.</p> <p>Asserted Claims 1 and 38 of the '449 Patent use the term “cursor image” in the phrase “a modified cursor image on said user’s display in the shape and appearance of said specific image.” In this context, the term “modified cursor image” means the “specific image” as defined separately herein.</p> <p>The meaning of the term “said cursor image” as used in the phrase “said cursor image in the shape and appearance of said specific image” means the “specific image” defined separately herein.</p> <p>The meaning of the term “said cursor image” as used in the phrase “movement of said cursor image” in Claim 72 of the '102 Patent and Claim 1, 38, and 53 of the '449 Patent means the “initial cursor image” as defined separately herein.</p> <p>The meaning of the term “cursor image data” as used in Claim 72 of the '102 Patent and Claims 1, 38, and 53 of the '449 Patent is provided separately herein.</p>
--	--	---

Claim Term/ Phrase for Construction	Claim(s) in which Claim Term/Phrase Appears	Proposed Claim Construction
“cursor image data” (term identified by both parties)	`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53	“cursor image data” means “information corresponding to the specific image.” `102 Patent, Abstract
“initial cursor image” and “said initial cursor image” (term identified by both parties (“cursor image”))	`102 Patent, Claim 72; `449 Patent, Claim 53.	The “initial cursor image” means “the image that appears before the cursor image is modified into the ‘specific image.’” <i>Lexos Media IP, LLC v.</i> <i>APMEX, Inc.</i> , No. 216CV00747JRGRSP, 2017 WL 1021366, at *2–3 (E.D. Tex. Mar. 16, 2017).
“modified cursor image” (term identified by both parties (“cursor image”))	`449 Patent, Claims 1 and 38; `241 Patent, Claim 35.	The term “modified cursor image” as used in Claims 1 and 38 of the `449 Patent, means “the cursor image in the shape and appearance of a specific image.” The meaning of the term “modified cursor image” as used in Claim 35 of the `241 Patent means “the cursor image modified to include at least the visual image.” `102 Patent, 17:5-14; `102 Patent, 18:46-51; `102 Patent, 23:28-30; `102 Patent, 23:60-62; `449 Patent, 18:53-54; `449 Patent, 20:48-49.

Claim Term/ Phrase for Construction	Claim(s) in which Claim Term/Phrase Appears	Proposed Claim Construction
<p>“modifying [an initial cursor image]”</p> <p>“transforming [said initial cursor image]”</p> <p>“modify [said cursor image]”</p> <p>“modifying [a cursor image]” (term identified by both parties (“cursor image”))</p>	<p>`102 Patent, Claim 72; `449 Patent, Claim 53.</p> <p>`102 Patent, Claim 72; `449 Patent, Claim 53.</p> <p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53.</p> <p>`449 Patent, Claims 1 and 35; `241 Patent, Claim 35.</p>	<p>“Changing (change) or replacing (replace) the form, shape or appearance of a cursor image.”</p> <p>`102 Patent, Abstract; `102 Patent, Figs. 7-9; `102 Patent, 4:4-12; `102 Patent, 3:51-57; `102 Patent, 9:15-20; `102 Patent, 9:10:37-41; `102 Patent, 11:34-37; `102 Patent, 11:49-61.</p>
<p>“promotional material” (term identified by both parties)</p>	<p>`241 Patent, Claim 35.</p>	<p>“promotional material” means “information about, or representing, a brand, product, or service, including advertising material, relating to its commercial availability.</p> <p>`102 Patent, 17:9-14; `241 Patent, 21:32-33; `241 Patent, 22:59-60; `241 Patent, 24:53-54; LEXOS0001228-33.</p>
<p>“server” (computer or system) (term identified by Lexos Media)</p>	<p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53; `241 Patent, Claim 35.</p>	<p>A “server,” “server computer” or “server system” means “one or more pieces of computer equipment and the software running on the equipment used to provide services for one or more other computers or computing devices.”</p> <p><i>SimpleAir, Inc. v. Google, Inc.</i>, No. 2:13-CV-0937-JRG, 2015 WL 1906016, at *13 (E.D. Tex. Apr. 27, 2015).</p> <p>`102 Patent, Figure 2.</p>

Claim Term/ Phrase for Construction	Claim(s) in which Claim Term/Phrase Appears	Proposed Claim Construction
<p>“specific image” (term identified by both parties)</p>	<p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53.</p>	<p>A “specific image” is the same as a “modified cursor image.”</p> <p><i>See also</i> “modified cursor image” defined separately herein.</p> <p>The phrase “said specific image includes/including content corresponding to at least a portion of said information that is to be displayed on said display of said user's terminal” means “an image representative of at least a portion of the subject or topic being displayed on the screen.”</p> <p><i>Lexos Media IP, LLC v. APMEX, Inc.</i>, No. 216CV00747JRGRSP, 2017 WL 1021366, at *5–6 (E.D. Tex. Mar. 16, 2017).</p> <p>`102 Patent, 2:58-62; `102 Patent, 3:4-10; `102 Patent, 3:48-50; `102 Patent, 3:62 to 4:3; `102 Patent, 7:7-9.</p>
<p>“specific image” (vs. “initial cursor image”/“cursor image”) (term identified by both parties (“specific image”))</p>	<p>`102 Patent, Claim 72; `449 Patent, Claims 1, 38, and 53.</p>	<p>The “specific image” is not the “initial cursor image,” or the “cursor image” when referring to the initial cursor image.</p> <p><i>Lexos Media IP, LLC v. APMEX, Inc.</i>, No. 216CV00747JRGRSP, 2017 WL 1021366, at *2 (E.D. Tex. Mar. 16, 2017).</p>

Claim Term/ Phrase for Construction	Claim(s) in which Claim Term/Phrase Appears	Proposed Claim Construction
“specified content information” “content information” (term identified by Lexos Media)	`102 Patent, Claim 72; `449 Patent, Claims 1, 38 and 53. `241 Patent, Claim 35	The term “specified content information”/“content information” means “information provided to a user’s terminal for use in the display, such as a web page.” `102 Patent, 24:14-18; `102 Patent, 24:22-24.
“the visual image tracks a movement of the modified cursor image” (term identified by Lexos Media)	`241 Patent, Claim 35.	The term “the visual image tracks a movement of the modified cursor image” means “the visual image moves in association with a movement of the modified cursor.” `102 Patent, 9:39-65 `102 Patent, 16:14-20.
“visual image” (term identified by Lexos Media)	`241 Patent, Claim 35	Plain and ordinary meaning.

Dated: April 18, 2023

Respectfully submitted,

BUETHER JOE & COUNSELORS, LLC

By: /s/ Eric W. Buether
Eric W. Buether
Texas State Bar No. 03316880
Eric.Buether@BJCIPLaw.com
Christopher M. Joe
Texas State Bar No. 00787770
Chris.Joe@BJCIPLaw.com
Kenneth P. Kula
Texas State Bar No. 24004749
Ken.Kula@BJCIPLaw.com
1700 Pacific Avenue
Suite 4750
Dallas, Texas 75201
Telephone: (214) 466-1271
Facsimile: (214) 635-1827

SETHLAW PLLC

/s/ Sandeep Seth
Sandeep Seth
Texas State Bar No. 18043000
ss@sethlaw.com
700 Milam Street, Suite 1300
Houston, Texas 77002
Telephone: (713) 244-5017
Facsimile: (713) 244-5017

**ATTORNEYS FOR PLAINTIFF
LEXOS MEDIA IP, LLC**